



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,519	02/28/2005	Kyoko Yokoi	TIP-05-1007	1423
35811 7590 09/14/2009 IP GROUP OF DLA PIPER LLP (US) ONE LIBERTY PLACE 1650 MARKET ST, SUITE 4900 PHILADELPHIA, PA 19103				
EXAMINER				
CHRISS, JENNIFER A				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
09/14/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary

Application No.

10/522,519

Applicant(s)

YOKOI ET AL.

Examiner

JENNIFER A. CHRISS

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Remarks

1. The Applicant's Remarks, filed May 19, 2009, have been entered and have been carefully considered. No claims are amended and claims 5 - 8 are pending. The invention as currently claimed is not found to be patentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 5 and 7 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Civardi et al. (US 3,716,397) in view of Fukushima (US 4,046,504) and Streicher et al. (US 4,983,185). The rejection is maintained. See the Office Action dated April 6, 2009 for details.
4. Claims 6 and 8 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Civardi et al. (US 3,716,397) in view of Fukushima (US 4,046,504) and Streicher et al. (US 4,983,185) as applied above, and further in view of Pedain et al. (US 3,867,350). The rejection is maintained. See the Office Action dated April 6, 2009 for details.

Response to Arguments

5. Applicant's arguments filed May 19, 2009 have been fully considered but they are not persuasive.

6. Applicant argues that Civardi fails to disclose a fiber-entangled substrate containing ultra-fine polyester fibers impregnated with polyurethane but rather discloses an elastomeric sheet of polyurethane that is porous. Applicant points to the passage of column 1, lines 7 – 11 which states that the elastomeric polyurethane sheet is "substantially free of pre-formed fibrous reinforcing fabric". It should be noted that the Examiner does not rely on this passage to teach the claimed invention. Instead, the Examiner relied on the discussion in column 6, lines 60 – 68 which indicates that that a substrate can be included and be a polyurethane-impregnated non-woven felted batt of polyester fibers. At the beginning of the paragraph, Civardi states "while the invention finds its greatest utility for the treatment of fleeceless elastomeric sheet material, it may also be used with those microporous elastomeric material on a fibrous substrate which substrate is preferably impregnated with elastomeric material. Although the embodiment of "greatest utility" has no fibrous substrate, this does not take away from the fact that Civardi does disclose embodiments where the non-woven felted batt of polyester fibers is impregnated with polyurethane.

7. Applicant argues that Civardi fails to teach that the polyurethane which is pigmented is impregnated into the fiber-entangled substrate. As the Applicant acknowledges in his arguments, an additional pigmented solution of elastomeric polyurethane is adhered to the substrate. The claims only require that the "suede artificial leather" is impregnated with a polyurethane not that the fiber-entangled substrate is impregnated with the polyurethane. Furthermore, the Examiner submits that the surface treatment of the pigmented polyurethane would at least slightly impregnate

the substrate as Civaldi specifically states in column 6, lines 60 – 68 that “the burnishing may be effected so as to spread a thin layer of fused polyurethane to ***cover exposed cut fibers*** at the edge of the piece being burnished”.

8. Applicant does not provide any further arguments regarding the secondary references. Please see the Examiner's comments above concerning the teachings of Civaldi.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER A. CHRISS whose telephone number is (571)272-7783. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 6 p.m., first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/
Primary Examiner, Art Unit 1794

/J. A. C./
Primary Examiner, Art Unit 1794